IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

FRIDAY, THE 16TH NOVEMBER 2007 / 25TH KARTHIKA 1929

WP(C).No. 33171 of 2007(Y)

PETITIONER:

C.K. DAMODARAN,
FORESTER, FLYING SQUAD RANGE, KASARAGOD.

BY ADV. SRI.C.MURALIKRISHNAN (PAYYANUR)

RESPONDENTS:
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1. **STATE OF KERALA,**
   REPRESENTED BY ITS SECRETARY, DEPARTMENT OF FORESTS, GOVERNMENT OF KERALA,THIRUVANANTHAPURAM.
2. **PRINCIPAL CHIEF FOREST CONSERVATOR,**
   OFFICE OF CONSERVATOR OF FOREST,THIRUVANANTHAPURAM
3. **DIVISIONAL FOREST OFFICER,**
   FLYING SQUAD DIVISION, KANNUR.
4. **FOREST RANGE OFFICER,**
   FLYING SQUAD RANGE, KASARAGOD.

BY GOVT. PLEADER, SRI.I.V. PRAMOD

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 16/11/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ANTONY DOMINIC, J.

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W.P.(C) NO. 33171 OF 2007 Y

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Dated this the 16th day of November, 2007

J U D G M E N T

Petitioner, who is working as a Forester in the Kerala Forest Department was granted higher grade on completion of 23 years of service, as per Ext.P1 order. Apparently, an audit objection was raised by the Accountant General's Office on the premise that petitioner has not undergone the Forester Training and therefore he is not eligible for cadre promotion. Petitioner has filed a representation before the Chief Conservator of Forests vide Ext.P5.

2. In the circumstances, after hearing the learned counsel for the petitioner and learned Government Pleader, this writ petition is disposed of in the following terms:

i) The 2nd respondent shall forward Ext.P5 to the 1st respondent, within one month from the date of receipt of a copy of this judgment.

ii) The 1st respondent shall, after hearing the petitioner, take a decision on Ext.P5. Petitioner may supplement his contentions before the 1st respondent by an additional

representation. There shall be no reduction in the pay drawn by the petitioner until a decision is taken by the Government. Re-fixation of the petitioner's pay scale or cancellation of the higher grade will be subject to the orders to be passed by the Government.

ANTONY DOMINIC, JUDGE.

Rp